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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/775,972 | 02/10/2004 | Robert A. Henderson | 210121.455C21 | 1812 |
| 500 7590 11/16/2006 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104 | | | EXAMINER YAO, LEI | |
| | | | ART UNIT 1642 | PAPER NUMBER |

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE 2/10/2004 | FIRST NAMED INVENTOR/ PATENT IN REEXAMINATION Henderson | ATTORNEY DOCKET NO. 210121.455021 |
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| EXAMINER Lei Yao |
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| ART UNIT 1642 | PAPER 20061107 |
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Commissioner for Patents

The Amendment filed on 8/21/06 in response to the previous Non-Final Office Action (4/21/06) is acknowledged. However, the response resulting in amended claims 8-16 drawn to a non-elected invention is non-responsive (MPEP § 821.03). The newly amended claims directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

In the response to restriction requirement filed on 9/28/2005, applicants have originally elected invention group III, drawn to a method for stimulating an immune response in a patient comprising administering to the patient a composition comprising an antibody to polypeptide of SEQ ID NO:161, while currently amended claims, drawn to a method for treating lung cancer (diminishing or eliminating lung cancer) with an antibody to polypeptide of SEQ ID NO:161 belongs to non-elected invention group IV. Since the elected invention group III has been examined on the merit and applicant has received actions for the originally presented invention (office actions dated on 11/18/05 and 4/21/06), the amendment filed on 8/21/06 resulting in amended claims 8-16 drawn to a method for diminishing or eliminating lung cancer.....is non-responsive.

Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lei Yao, Ph.D. whose telephone number is 571-272-3112. The examiner can normally be reached on 8am-6.00pm Monday-Thursday.

Any inquiry of a general nature, matching or file papers or relating to the status of this application or proceeding should be directed to Kim Downing for Art Unit 1642 whose telephone number is 571-272-0521

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lei Yao, Examiner Art Unit 1642


JEFFREY SIEW
SUPERVISORY PATENT EXAMINER